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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,491	04/21/2004	Matthew York	116445-4	4851
29180 7590 04/06/2007 BELL, BOYD, & LLOYD LLP P.O. BOX 1135 CHICAGO, IL 60690			EXAMINER TANG, SON M	
			ART UNIT	PAPER NUMBER
			2612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/06/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No. .

10/828,491

Applicant(s)

MATTHEW YORK

Examiner

Son M. Tang

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U. **DETAILED ACTION**

1. S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-7, 9-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurtenbach [US 5,582,323] in view of Sagar [US 6,604,650].

Regarding claims 1, 3-4, 7, 9-10, 13 and 15: Kurtenbach discloses an automatic health monitoring system comprising:

- a regularly accessed device met by a medication-dispensing tray (10);
- an access detection unit met by a pushbutton (16) and micro switch (38) configured to detect medication-dispensing tray (open/close) for dispensing medication dose to a patient at a desired time, if the medication-dispensing tray is not open/close at a desired time, computer program of microprocessor sends signal to a healthcare provider [see Fig. 10], wherein, the dispensing medication dose predetermined time has being programmed, Kurtenbach does not specifically disclose a concept of time interval elapsed, which started from a first access to medication tray (last dispensing dose) to the second access to medication tray (next dispensing dose). Sagar teaches a medication reminder system which comprises a reminder that generated dispensing dose, upon the predetermined time interval is elapsed, wherein, the timer is started upon sensor sensed open/close cap for dispensing medication of a last dose the next dispensing dose [see col. 1, lines 45-56]. It would have been obvious of one having ordinary skill in the art at the time of the claimed

Art Unit: 2612

invention to implement the concept of reminding by a time interval as suggested by Sagar, so that the medication dispensing dose to patient at an equally time range manner.

Regarding claims 5, 11 and 16-17: Kurtenback and Sagar made obvious above, Kurtenback further discloses that transmits signal to healthcare provider via telephone, not via computer network, however, communication via computer network is a common known technology as shown by Sagar, wherein, the information is communication to remote pharmacist via Internet [see Fig. 1]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to use computer network as suggested by Sagar, to send information to the healthcare provider, for the benefit of convenience.

Regarding claims 6, 12 and 18: Kurtenback further discloses a backup power source for the system [see Fig. 15].

3. Claims **2, 8 and 14** rejected under 35 U.S.C. 103(a) as being unpatentable over Kurtenbach in view of Sagar, and further in view of Keeter et al. [Us 6,935,133].

Regarding claims 2, 8 and 14 : Kurtenback and Sagar disclose all the limitations as described above, except for not specifically mention that the regularly accessed device is a temperature controlled compartment. Keeter et al. teach a temperature control case uses to storage and protect medicines [Figs.1-2]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to apply the automatic health monitoring system on the medicines temperature control case, for the benefit of preventing patient of missing dose.

Art Unit: 2612

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Machamer [US 4,382,688], Howard et al. [US 5,170,380], Hamilton et al. [US 4,939,705], Yeager [US 5,390,791].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 5/8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son Tang


BENJAMIN C. LEE
PRIMARY EXAMINER